

MINISTERIAL ORDER NO. 487

EDUCATION AND TRAINING REFORM ACT 2006

ORDER AMENDING ORDER NO. 52, THE SCHOOL COUNCIL COMPOSITION AND ELECTIONS ORDER

The Minister for Education makes the following Order:

1. Objective

The objective of this Order is to amend Order No. 52, the School Council Composition and Elections Order.

2. Authorising Provision

This Order is made under section 2.3.2(6) of the Education and Training Reform Act 2006.

3. Commencement

The Order takes effect the day after it is signed.

4. Amendments to Order No. 52, the School Council Composition and Elections Order

For clause 5E.5 of Order No. 52, the School Council Composition and Elections Order, substitute-

"5E.5 A person who:

- a) is an undischarged bankrupt;
- b) is of unsound mind;
- c) is serving a sentence for an indictable offence; or
- d) is a registrable offender within the meaning of the *Sex Offenders Registration Act 2004*

is not eligible for election or co-option to the council."

For clause 5R.1 of Order No 52, the School Council Composition and Elections Order, substitute-

"5R.1 When a person who, whilst a member of the school council (other than a member ex officio):

- a) dies;
- b) becomes bankrupt;
- c) becomes of unsound mind;
- d) delivers a letter of his or her resignation to the office of the school or to the president of the school council;

- e) is sentenced for any indictable offence;
- f) is a registrable offender within the meaning of the *Sex Offenders Registration Act 2004*;
- g) being elected or co-opted to the Parent member category, ceases to be eligible for election to this membership category under clause 5B.3(a), or who being elected or co-opted to the DEECD employee member category ceases to be eligible for election to this membership category under clause 5B.3(b), or who being co-opted to the Community member category ceases to be eligible for co-option to this membership category under clause 5B.3(c);
- h) is absent from three consecutive meetings of the school council without special leave previously granted by the school council and subject to a decision of the school council;
- i) in the DEECD employee member category goes on any form of leave (including secondment), whether with or without pay, from employment with the DEECD for a period of more than six months;
- j) in the Parent member category becomes a DEECD employee during their term of office in circumstances where that causes the school council to be in breach of clause 5B.3A(a); or
- k) is found to have been ineligible for election or cooption to council

a casual vacancy is created.”

For Schedule 5A of Order No 52, the School Council Composition and Elections Order, for the sentence: “I hereby declare that I am not an undischarged bankrupt and that I am not currently serving a sentence for an indictable offence.”, substitute-

“I hereby declare that I am not:

- a) an undischarged bankrupt;
- b) of unsound mind;
- c) currently serving a sentence for an indictable offence; or
- d) a registrable offender within the meaning of the *Sex Offenders Registration Act 2004*.”

For Schedule 5B of Order No 52, the School Council Composition and Elections Order, for the sentence: “I hereby declare that I am not an undischarged bankrupt and that I am not currently serving a sentence for an indictable offence.”, substitute-

“I hereby declare that I am not:

- a) an undischarged bankrupt;
- b) of unsound mind;
- c) currently serving a sentence for an indictable offence; or
- d) a registrable offender within the meaning of the *Sex Offenders Registration Act 2004*.”

For Schedule 5C of Order No 52, the School Council Composition and Elections Order, for the sentence: “I hereby declare that I am not an undischarged bankrupt and that I am not currently serving a sentence for an indictable offence.”, substitute-

“I hereby declare that I am not:

- a) an undischarged bankrupt;

- b) of unsound mind;
- c) currently serving a sentence for an indictable offence; or
- d) a registrable offender within the meaning of the *Sex Offenders Registration Act 2004*."

For Schedule 5D of Order No 52, the School Council Composition and Elections Order, for the sentence: "I hereby declare that I am not an undischarged bankrupt and that I am not currently serving a sentence for an indictable offence.", substitute-

"I hereby declare that I am not:

- a) an undischarged bankrupt;
- b) of unsound mind;
- c) currently serving a sentence for an indictable offence; or
- d) a registrable offender within the meaning of the *Sex Offenders Registration Act 2004*."

Dated:

08/07/2011



~~Hon Martin Dixon MP~~
~~Minister for Education~~

Hon PETER HALL

ACTING MINISTER FOR EDUCATION.